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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Parts 13 and 80 of the
Commission's Rules concerning Maritime
Communications

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WT Docket No. 00-48

To: The Commission

REPLY COMMENTS OF MARITEL, INC.

Maritel, Inc. ("Maritel") by its counsel and pursuant to the provisions of Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. § 1.415 (1999), hereby submits its reply comments responsive to the above-captioned *Notice of Proposed Rule Making* ("Notice").¹ As set forth more fully below, the record in this proceeding supports the relief and/or rule changes sought by Maritel and other entities interested in the continued success of the maritime communications industry.

Distress Communications. In its comments, Maritel urged the Commission to harmonize and update its Part 80 regulations concerning distress and emergency communications. Maritel comments at 2-6. In particular, Maritel provided an example of a "9-1-1" law adopted by the state of Illinois that appeared to (i) cover Maritel as a commercial mobile radio service ("CMRS") provider, and (ii) conflict with Maritel's safety-related obligations as a Part 80 licensee. *Id.* at 3-4. Maritel urged the FCC to preempt such inconsistent or overbroad state and local policies.

Since Maritel submitted its comments in this proceeding, the FCC acted in another rule making proceeding to establish "9-1-1" as the "universal emergency telephone number within the

¹ The FCC extended the deadline for the submission of comments and reply comments in this proceeding to August 23, 2000 and September 21, 2000 respectively. See *In the Matter of Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications*, WT Docket 00-48, Order Extending Comment and Reply Comment Period, Released July 21, 2000.

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United States for reporting an emergency.” Fourth Report and Order and Third Notice of Proposed Rulemaking and Notice of Proposed Rulemaking, FCC 00-327, rel. August 29, 2000 (“911 Decision”). The 911 Decision also solicits public comment on certain 911 implementation issues. Maritel intends to submit comments in the proceeding (WT Docket No. 00-110) initiated by the 911 Decision² and also intends to petition the Commission to clarify Maritel’s safety-related obligations. Maritel will also supplement the record in this proceeding, by means of an *ex parte* presentation, with any materials it submits in WT Docket No. 00-110. 47 C.F.R. § 1.1206 (1999). However, to the extent appropriate in this proceeding, Maritel urges the FCC to take such action consistent with Maritel’s unopposed view that state law 911 schemes may be inconsistent with Part 80.

Use of Additional Frequency Assignments. Maritel’s comments also requested that the Commission reallocate certain 156-162 MHz frequency assignments for maritime use that are either presently unallocated domestically or under-used by existing Part 90 licensees, consistent with international regulations. Maritel comments at 7-10. No entity opposed Maritel’s proposal. In fact, the National GMDSS Implementation Task Force (“Task Force”), a broad-based membership organization representing maritime safety interests, submitted comments with a similar request for relief. The Task Force stated:

The Task Force recognizes that because of regulatory actions taken in the early period of VHF implementation, the full international VHF Maritime Band is not available in the U.S. The Task Force points out that as a result there is an extreme shortage of available VHF channels and recommends that all available solutions . . . should be undertaken to provide relief.

Task Force Comments at 3. Accordingly, based on the information and evidence provided in Maritel’s comments, and the consensus of the maritime community as expressed by the Task Force,

² Maritel is also preparing an informal survey of state 911 regulations in those geographic areas where it operates or intends to operate in the near future. The survey results preliminarily reveal that certain state law schemes may unwittingly impose 911 related obligations on Part 80 providers that are otherwise exempt from comparable federal 911 obligations, thus creating consumer and industry confusion, and unnecessarily subjecting Maritel to potential administrative and civil liability.

the Commission should take action to reallocate the frequency assignments identified in Maritel's comments for maritime use.

Station Identification. Citing the FCC's rules for other CMRS providers, Maritel urged the Commission to eliminate the requirements of FCC rule section 80.102, which requires station identification, for geographically based (rather than site specific) VHF Public Coast ("VPC") licensees. Maritel comments at 11. On the same date that Maritel submitted its comments, the FCC acted to forbear³ from applying the requirements of FCC rule section 80.102 to Automated Maritime Telecommunications Systems ("AMTS") stations. See RegioNet Wireless License, LLC, FCC 00-300, rel. August 23, 2000 ("*RegioNet*"). Because VPC and AMTS stations are similar in nature,⁴ the forbearance relief extended by the Commission should also be applied in this rule making proceeding.

U.S. / Canada Channel Agreement. The comments submitted by the U.S. Coast Guard in this proceeding request that the FCC update the provisions of rule 80.57 to account for (i) the FCC's recent auction of VPC spectrum; (ii) "recently revised Canadian/USA agreements;" and (iii) current practices. Coast Guard Comments at 20. Although unaware of any recent revisions to any agreements between the United States and Canada affecting VPC licensees,⁵ Maritel supports the Coast Guard's proposal; the FCC's rules should certainly reflect the current agreement in effect between the U.S. and Canada relating to the use of public correspondence frequency assignments in the border area. Nevertheless, Maritel expects that the FCC would solicit public comment or otherwise inform VPC licenses in situations where the U.S. is considering amendments to any

³ 47 U.S.C. § 160 (1999); 47 C.F.R. § 1.53 (1999).

⁴ The Commission extended relief to RegioNet primarily on technical grounds, holding that eliminating the requirement "will not complicate the resolution of any interference complaints." *RegioNet* at ¶ 7. Similar to the rationale offered by Maritel, the Commission also noted that certain other CMRS providers are not required to provide station identification. *Id.* at ¶ 8.

⁵ *Agreement Concerning the Coordination and Use of Radio Frequencies Above 30 Megacycles per Second, with Annex*, October 24, 1962.

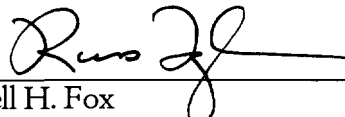
agreement regarding channel usage between the United States and Canada that would have a material effect on Maritel's employment of VPC frequency assignments.

WHEREFORE, THE FOREGOING PREMISES CONSIDERED, Maritel urges the Commission to consider the foregoing reply comments and act in a manner consistent with the recommendations made herein.

Respectfully submitted,

Maritel, Inc.

By:



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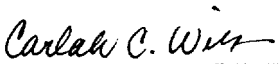
September 21, 2000

CERTIFICATE OF SERVICE

I, Carlah C. Wilson, hereby certify that I have, this 21st day of September 2000, caused a copy of the foregoing Reply Comments to be sent via 1st class U.S. mail to the following:

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